

SPECIAL AREA MANAGEMENT PLAN
SAN DIEGO CREEK, SAN JUAN CREEK, AND PORTIONS OF
SAN MATEO CREEK WATERSHEDS,
ORANGE COUNTY, CALIFORNIA



U.S. Army Corps of Engineers
Regulatory Branch
Los Angeles District
November 1999

The Corps of Engineers, Los Angeles District is conducting a comprehensive wetland plan to achieve a balance between economic development and aquatic resource protection. This Federally authorized planning effort, referred to as a Special Area Management Plan (SAMP) focuses on three watersheds in Orange County, California. The goal of the SAMP is to increase regulatory predictability for development permits and allow for comprehensive management of aquatic resources. Advanced planning would allow resolution of conflicts between conservation and development of wetlands and other Waters of the U.S.

Under Section 404 of the Clean Water Act (CWA), the Corps of Engineers is authorized to regulate discharge of dredge or fill material into waters of the United States. In the past five years, the requirements of Section 404 of CWA have become increasingly complex, making it more stringent for private sector and local governments to expeditiously comply with these regulatory requirements. The increased complexity of regulatory requirements combined with the number of plant and animal species protected under other Federal law result in longer processing time for authorization requests. Additionally, the existing project-by-project evaluation of authorization requests and lack of data on overall effect of the actions on waters of the U.S., lead to uncertainties regarding cumulative impacts to aquatic resources and consequently increased litigation.

General guidance on conducting a SAMP is provided in a Corps' Regulatory Guidance Letter (RGL 86-10) which specifies that SAMPs are to be conducted in geographic areas of special sensitivity under intensive development pressure. The regulatory program guidance further recommends that the interagency, public, and stakeholder involvement is an essential part of the plan and for SAMPs to conclude with a definitive regulatory product.

The County of Orange, in Southern California, is among the fastest growing areas in the nation. Favorable economic conditions along with one of the most pleasurable climates in the nation have resulted in intense development pressure. In addition, Orange County also has the dubious distinction of being one of the nation's hot spots for Federally-listed

endangered species, being home to 27 species Federally listed as threatened or endangered. With these opposing pressures, in the early 1990's, the local agencies and landowners undertook a habitat conservation planning effort aimed at conserving habitat for a handful of Federally and state listed species. Although the habitat conservation planning resulted in conserving 58 square miles of natural reserves in the county, it did not consider the aquatic resources and consequently development activities were compelled to avoid the upland areas and encroach into the aquatic resources. This dilemma created an impasse for both the local stakeholders as well as the Corps of Engineers which administers permitting under the Section 404 of the Clean Water Act which includes the regulatory requirements of avoiding and minimizing impacts to the Waters of the U.S. Recognizing the need for a more comprehensive planning in 1998, a resolution by the House of Representative's committee on Public Works authorized the Corps of Engineers to initiate a Special Area Management Plan (SAMP) within Orange County. Following completing the Scope of Work, the Corps identified three distinct geographic locations within the county that are suitable candidates for conducting a SAMP. These areas include, San Diego Creek, San Juan Creek, and portions of San Mateo Creek watersheds, which encompass approximately 300 square miles. A SAMP conducted in these areas could complement the habitat conservation plan, streamline the regulatory requirements, provide better scientific information to improve the decision making process, allow for a comprehensive approach for management of uplands and aquatic resources, and provide predictability to the local citizens and reflect their needs.

The SAMP consists of identification and characterization of aquatic resources, evaluation of alternatives for proposed impacts ("development bubbles") to aquatic resources, and identification of an aquatic reserve system within the hydrologic unit (i.e., watershed). The Orange County SAMP initiated in 1999 is scheduled to occur in three phases taking approximately three years. The Orange County SAMPs are currently in Phase I during which the aquatic resources are identified and characterized. The Corps' Waterways Experiment Station (WES) and the Engineering Research and Development Center, as the nation's experts in aquatic resource delineation and functional assessment, have developed a tool to conduct high precision, planning level delineation and landscape level

functional assessment . This tool will be used to assess aquatic resources within one of the largest areas a SAMP has been conducted in. Phase I also includes initiation of the EIS/EIR process for compliance with National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA). Several interagency and stakeholder meetings have been held to date and Phase I is scheduled to be completed in February 2000 for San Diego Creek watershed and April 2000 for the San Juan Creek watershed.

The end product of the SAMP will be programmatic permits and general permits under Section 404 of the Clean Water Act that bring certainty to the development community as well as long term protection and management of aquatic resources.

This comprehensive planning effort is an innovative tool for achieving a balance between resource management and economic development throughout the nation and is expected to become a National model for the accomplishment of other aquatic resource planning efforts in the nation.